

S.B.Cr. Misc. Bail Application No.2031/2007
(Ganpat Ram vs. State of Rajasthan)

Date of order : July 06, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.J.R.Beniwal, for the petitioner.

Mr.Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

Challan has been filed against the petitioner after having declared him absconder. The offence against the petitioner is under section 307. There are allegations that the petitioner caused gunshot injuries.

Keeping in view the decision of Hon'ble Supreme Court in Jagtar Singh vs. Satendra Kaur alias Bhavana Grover & Ors., **2002 Cr.L.R. (SC) 807**, where the Hon'ble Supreme Court held that when an accused is absconding, there is no question of granting anticipatory or regular bail.

In this view of the matter, in my view, it is not a fit case for grant of anticipatory bail.

The bail application filed by the petitioner under section 438 Cr.P.C. stands dismissed.

However, at this stage, learned counsel for the petitioner submits that the petitioner would surrender before the trial court and move a regular bail. If the petitioner surrenders before the trial court and move a regular bail, the trial court shall consider and decide the same in accordance with law.

(H.R.PANWAR),J.

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